

November 28, 2007

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Secretary
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FILED/ACCEPTED

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Federal Communications Commission
Office of the Secretary

ORIGINAL

Re: Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Area; WC Docket No. 06-172
Response to Staff Inquiries

I am writing this letter to report that, on November 26, 2007, Alexandra M. Wilson, Vice President of Public Policy and Regulatory Affairs for Cox Enterprises, Inc., and the undersigned, both representing Cox Communications, Inc. ("Cox"), met to discuss the above-referenced proceedings with John W. Hunter, Chief of Staff and Senior Legal Advisor to Commissioner Robert M. McDowell.

During the meeting, we principally discussed issues addressed in Cox's previous filings in this docket and the attached handout. Cox expressed its continuing support for the key analytic elements of the approach to forbearance the Commission pursued in Omaha and Anchorage.

In accordance with the requirements of Section 1.1206 of the Commission's rules, an original and one copy of this notice are being filed and a copy of this notice is being provided to each meeting participant.

Please inform me if any questions should arise in connection with this notice.

Respectfully submitted,



J.G. Harrington

Counsel to Cox Communications, Inc.

cc (w/o encl.): John W. Hunter





Verizon Petition for Forbearance in Providence, Rhode Island and Virginia Beach, Virginia

WC Docket No. 06-172

November 26, 2007

Background

- Cox is the largest facilities-based competitive LEC serving the Providence and Virginia Beach markets. Cox uses its state-of-the-art broadband network to deliver both traditional circuit-switched and voice over IP telephone service as a stand-alone product or together with multichannel video and high speed Internet services.
- Nationally, Cox is one of the largest competitive telephone service providers, serving more than 2,000,000 residences and over 180,000 business customers in 35 markets across 18 states.
- Cox is a recognized industry leader in the provision of high-quality telephone services. This year, Cox received highest honors in J.D. Power and Associates' 2007 Residential Regional Telephone Customer Satisfaction StudySM in the Northeast, Southwest and Western Regions. This marks the fifth consecutive year that Cox's residential telephone service has ranked highest in overall customer satisfaction in the Western Region and the second consecutive year Cox has ranked highest in overall customer satisfaction in the Northeast and Southwest regions.
- Cox has thrived in an environment where fair competition is guaranteed by law. The Commission's task in this proceeding, as it was in Omaha and Anchorage, is to maintain the robust competitive environment that has developed under the 1996 Act.

Verizon Fails to Meet Its Burden of Demonstrating That Forbearance Is Warranted

- The Commission established a straightforward test in Omaha and Anchorage, requiring competitive facilities deployment capable of reaching at least 75% of the customer locations in each incumbent LEC wire center.
- Verizon's Petitions ignored this test, requesting MSA-wide relief and relying chiefly on competitive market penetration rather than facilities deployment. Verizon's subsequent submissions purport to provide more granular data, but still fall short of the level of specificity required for forbearance.
- Moreover, all of Verizon's submissions are deficient because they depend entirely on E911 data that is not appropriately before the Commission and is, in any case, highly unreliable.
 - Verizon's use of E911 data violates its interconnection agreements and federal privacy laws.

- The Virginia Corporation Commission required Verizon to disclose its methodology for determining competitor penetration based on E911 data and those disclosures revealed significant flaws in Verizon's methods that lead to highly unreliable results. Even Verizon has admitted that conclusions drawn from E911 data are unreliable.
- Verizon is not even the E911 database administrator in all the markets involved in the Petitions – including Rhode Island – so the information it relies on is necessarily dated and inaccurate.
- Verizon has failed to provide reliable evidence that competitors have reached the Omaha and Anchorage threshold in any of the individual wire centers in the Virginia Beach and Providence MSAs (or any of the other MSAs where it has requested relief). For that reason the Petitions should be denied.
- While Cox is cooperating with the Commission's data requests, the necessity of those requests demonstrates that Verizon did not meet its obligation to make a prima facie case for forbearance.

Any Relief Should Be Narrowly Tailored to Promote Competition

- As the Commission did in Omaha and Anchorage, it should ensure that any relief it grants protects existing competition in the market and promotes future competition based on the needs of the competitors in each market.
- The current competitive climate would not support curtailing competitive LEC rights involving interconnection, collocation and inside wire subloops, for example.
- Verizon's Petitions make no effort to justify relief from the interconnection, collocation and inside wire subloop requirements, so the Commission should follow its existing precedent and preserve these obligations.